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Indiana Professional Licensing
Agency
302 West Washington Street Room
E034
Indianapolis, Indiana 46204

INDIANA REAL ESTATE COMMISSION

Governor Appoints 3 New Commissioners

The Indiana Real Estate Commission is pleased to announce that Robert Brown, Troy Helman, and Suzanne Jackson have been appointed to the commission.

Robert Brown

Robert Brown was appointed to the commission representing the public.

Robert is enjoying his retirement living on his own private "golden" pond with his lovely wife Mildred on his 30-acre mini-farm. After attending Butler University, he started his own restaurant business lasting 31 years.

Robert was a well-known football referee for 35 years for high school, college, and professional games. Robert's hobbies include fishing, spending time with his grandchildren, and holding Mildred's hand.

Robert is truly the type of person that is knowledgeable, outgoing, and just plain fun to be around.

Troy Helman

Troy Helman was appointed to the commission representing the 7th district.

Troy has been a Realtor since 1984 and is currently a vice-president of Coldwell Banker Larry Helman Realtors in Terre Haute. Troy is a graduate of Indiana State University with a Bachelor of Science degree. Also, Troy is a certified residential broker (CRB).

Locally, Troy has served on the Terre Haute Board of Realtors in various committees and has also served as secretary, vice president, and president of the board. On the state level, Troy is a past Regional Vice President. He has also participated on various committees including co-chair of the RPAC Campaign Development Committee in 1999.

Troy enjoys golf and attending his children's activities.

Suzanne Jackson

Suzanne Jackson was appointed to the commission representing the 10th district.

Suzanne began her real estate career with the Tipton Lakes Company in Columbus, Indiana in 1978. She was active on the Columbus Board of Realtors and the Columbus Chapter of the WCR.

Suzanne is a past member of the Indianapolis Board of Realtors and has worked for Tipton Lakes Company, Jackson Realty and Builders, Browning Investments Inc., REI Investments Inc. and Dann Pecar Newman & Kleiman. Currently she is employed as a real estate paralegal for Pedcor Investments, LLC. Her experience includes residential sales and leasing, residential relocation, commercial sales, leasing development, property management, and title and survey compliance for commercial closings.

Suzanne is a resident of Indianapolis and enjoys the active Indy lifestyle.

Inactive License and Continuing Education

Warren Nash

Near the end of the licensing cycle, the Indiana Real Estate Commission gets several requests for waiver of continuing education requirements due to hardship. Many of these requests are denied because they do not meet the following requirements of Indiana Code 25-34.19-19:

- (1) Service in the armed forces of United States for

one (1) year or more of two (2) year licensure period.

(2) An incapacitating illness which has prevented either part-time or full-time employment for at least twelve (12) months of the two (2) year licensure period.

(3) Other circumstances determined by the commission.

If an applicant for license renewal has not completed their continuing education requirements and do not fit in one of the above categories, they might want to consider

requesting an inactive license.

According to IC 25-34.1-3-10(c), a salesperson or broker may apply for an inactive license from the commission. An individual with an inactive license:

- (1) may not perform an act that requires a salesperson or broker's license;
- (2) is not required to fulfill the continuing education requirements under IC 25-34.1-9;

Members of the Indiana Real Estate Commission

Chairperson: Rickie Sipe
2nd District

Vice Chairperson: Gloria Prawat
3rd District

Commission Members: Tim Reed – 1st District; Larry Wells – 4th District; Pamela J. Fish – 5th District; James Litten – 6th District; Troy Helman – 7th District; Robert Schulz – 8th District; Warren Nash – 9th District; Suzanne Jackson – 10th District; Craig Doyle – Public Member; Robert Brown - Public Member;

Commission Secretary: Julie Wiesinger

Pictured from left to right back row: James Litten; Robert Schulz, Warren Nash, Robert Brown; Larry Wells, and Craig Doyle. Front row: Timothy Reed, Pamela Fish, Gloria Prawat, Rickie Sipe, Suzanne Jackson, and Troy Helman

(3) is required to pay any fees that a licensee is required to pay; and
 (4) must fulfill the requirement under IC 25-34.1-9-11(a)(1) for the current licensing period before applying for reactivation of their license.

This would allow the licensee to maintain an inactive license until they are able to meet the requirements in IC 25-34.1-3-10(c)(4) and apply for reactivation of their license.

How Much Do You Know About BPOs?

Rickie Sipe

Any active salesperson or broker working in a real estate office most assuredly has had a call from a foreclosure company asking for a broker's price opinion (BPO) on a property that they are involved with. These companies just ask for anyone to do the BPO. They do not specify that they need a broker. Therefore, a lot of salespeople are completing these reports.

Indiana law 876 IAC 1-1-43 states that fee appraisals are to be conducted by licensed brokers. Section 43 states, "Any broker who appraises real estate in Indiana must comply with the Uniform Standards of Professional Appraisal Practice as adopted in 876 IAC 3-6-2 and 876 IAC 3-6-3." Any salesperson completing these BPOs is violating Indiana real estate law!!

2003 Indiana Real Estate Commission Meeting Dates and Locations

The Commission typically meets every fourth Thursday of the month.

April 24, 2003

**8:30 a.m. Committee Meeting,
10:00 a.m. Meeting**

Sheraton Hotel
 Keystone at the Crossing
 Indianapolis, Indiana

May 22, 2003

**8:30 a.m. Committee Meeting,
10:00 a.m. Meeting**

402 West Washington Street
 Conference Center Room #12
 Indianapolis, Indiana 46204

June 26, 2003

**8:30 a.m. Committee Meeting,
10:00 a.m. Meeting**

402 West Washington Street
 Conference Center Room #12
 Indianapolis, Indiana 46204

July 24, 2003

**8:30 a.m. Committee Meeting,
10:00 a.m. Meeting**

402 West Washington Street
 Conference Center Room #12
 Indianapolis, Indiana 46204

August 28, 2003

**8:30 a.m. Committee Meeting,
10:00 a.m. Meeting**

402 West Washington Street
 Conference Center Room #12
 Indianapolis, Indiana 46204

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What are the Continuing Education Requirements?

Tim Reed

What are the continuing education requirements? Is there a fee to transfer my license? Where can I get a transfer form?

The answer to these and many other questions are just a click away. The Indiana Real Estate Commission has a website to handle many of your day to day questions concerning your real estate license. The address is www.in.gov/pla/bandc/estate. The Commission's webpage is full of useful information. It is now possible to download the most current statutes and rules from this site. You can also find all the continuing education and precicensing providers for the State of Indiana the next time you want to take a broker's course or a continuing education class.

Real estate forms, such as the Application for Reassignment of License, Waiver of Continuing Education, and Seller Residential Real Estate Disclosure are just some of the forms available online. You can also see who each of your commissioners are and how to contact them.

One of the most popular areas of the site is the "Frequently Asked Questions." Here you can find many of the answers that you are looking for as a licensee. The Indiana Professional Licensing Agency continues to update and improve the site often, so make it a regular stop when you are online.

The Indiana Real Estate Commission has reciprocal memoranda of understanding with the following states:

1. Arkansas
2. Colorado
3. Connecticut
4. Florida
5. Georgia
6. Illinois
7. Iowa
8. Kentucky
9. Missouri
10. Nebraska
11. North Carolina
12. Oklahoma

Disciplinary Actions

Sierra Group Realty, CO 89200120 and Scott Porter, PB 29400383, had their license revoked and may not apply for a new license until seven (7) years after the date of revocation. The Commission determined that Mr. Porter engaged in a scheme to defraud the buyers, mortgage company, and Veteran's Administration by using his father, a registered architect, to certify repairs were made when they were not made, caused buyers material and severe financial loss as the result of fraud and misrepresentation and caused them bankruptcy, and hired his father, an architect, without disclosing he had done so to waive required repairs knowingly so that he could close the property as the seller and not carrying out his responsibilities to the buyer.

Noriene A. Kwiecien, SP09003382, had her suspended real estate salesperson's license reinstated. The Commission found that Ms. Kwiecien established that she is able to practice with reasonable

skill, safety, and competency to the public.

Toni Flowers, SP09202913, had her real estate salesperson's license reinstated. The Commission concluded that Ms. Flowers established that she is able to practice with reasonable skill, safety, and competency to the public.

Robert E. Dunlap, SP39602595, had his real estate salesperson license revoked as of the date of the Final Order and may not apply for a new license until seven (7) years after the date of this revocation pursuant to IC 25-1-11-15. Moreover, Mr. Dunlap shall pay the costs of the proceedings. The Commission concluded that on November 30, 1998, Mr. Dunlap plead guilty in Bartholomew Superior Court on three counts of Forgery, a Class C felony, two counts of Theft, a Class D felony, and one count of Check Deception, a Class A misdemeanor. On February 23, 1999, Mr. Dunlap was sentenced to a period of commitment with the DOC for a total of twenty-two (22) years, with ten (10) years suspended. The Commission found that the conduct that resulted in his conviction for forgery, theft, and check deception had a direct bearing on his ability to continue to practice competently as a license real estate agent. In addition, the Commission found that Mr. Dunlap, over a ten (10) year period, took funds from others, including a family member and a personal friend who had suffered a stroke, in his capacity as an insurance agent.

George Washington, SP08803392, had his real estate salesperson license suspended indefinitely with no right to petition for reinstatement until two (2) years from the date of

the issuance of the Final Order. Moreover, he shall pay a civil penalty of five hundred dollars (\$500) and the costs of the proceeding. The Commission determined that Mr. Washington reported that he had completed sixteen (16) hours of continuing education but failed to provide any documentary proof for courses in the 1996 – 1997 reporting period. The Commission found that Mr. Washington failed to meet the continuing education requirements under IC 25-34.1-9-10 and 876 IAC 4-2-1 for renewal of his license through December 31, 1999.

Marsha Watson, SP08801379, had her petition for withdrawal of probation granted. The Commission determined that Ms. Watson established that the deficiency that required the disciplinary action has been remedied.

Sue Landau, SP05405980, had her real estate salesperson license placed on indefinite probation with no right to petition for withdrawal from probation until she cures the deficiency, i.e. make up the remaining two (2) hours in elective courses. In addition, Ms. Landau shall pay a civil penalty of five hundred dollars (\$500) and the costs of the proceeding. The Commission determined that Ms. Landau failed to complete her continuing education requirements as set forth in 876 IAC 4-2 and IC 25-1-11-5(a)(3). However, the probation was stayed for ninety (90) days from the date of the issuance of the Final Order to give Ms. Landau an opportunity to obtain the hours mentioned. The Commission considered the information submitted by Ms. Landau and ordered the probation permanently stayed.

Michael A. Wyatt, AB39300209, had his real estate license suspended indefinitely; however, the suspension shall be permanently stayed based on Mr. Wyatt reimbursing the sellers the sum of \$778.00. Mr. Wyatt shall be issued a letter of reprimand and ordered to pay the costs of the proceeding. The Commission concluded that Mr. Wyatt engaged in material misrepresentation by representing that he would replace a ceiling fan with one of comparable value, failed to exercise reasonable care and skill in the transaction, and failed to perform the terms of brokerage engagement made with sellers by failing to perform the credit check on buyers pursuant to instructions by sellers.

Charles I. Stafford, IB51415133, had his real estate broker license suspended indefinitely with no right to petition for reinstatement until two (2) years from the issuance of the Final Order. Furthermore, Mr. Stafford shall pay a civil penalty of five hundred dollars (\$500) and the costs of the proceeding. The Commission determined that Mr. Stafford failed to produce any verification for the continuing education hours claimed for the January 1, 1997 through December 31, 1998 renewal period.

Patricia Pastori, IB51415727, had her real estate broker license placed on probation indefinitely with no right to petition for withdrawal from probation until she completes the sixteen (16) hours of continuing education that were required for the January 1997 through December 1998 reporting period. Because Ms. Pastori had already completed the required sixteen (16) hours, the probation was permanently stayed; however, those continuing education

hours shall not apply to fulfill her CE requirements for any other reporting period. Also, she shall pay a civil penalty of five hundred dollars (\$500) and the costs of the proceedings

Dr. J. Flount-Gordon, IB58900776, had his real estate broker license suspended indefinitely with no right to petition for reinstatement until twenty-five (25) years from the date of the issuance of the Final Order. Also, he shall pay the costs of the proceeding. The Commission determined that Dr. Flount-Gordon engaged in fraud and material deception by submitting an offer to purchase real estate when he knew or had reason to know that he did not have the funds to purchase the subject real estate; telling the parties that he would bring the funds to a rescheduled closing when he knew that such representation was false; and causing the parties to assemble for the purpose for closing when he knew or had reason to know that the closing would not take place. The Commission concluded that Dr. Flount-Gordon engaged in incompetent practice of real estate and his fraud and material deception caused the sellers to suffer material and financial loss

William J. Flynn, IB29300554, had his petition for reinstatement of his real estate broker license denied. His real estate broker license shall remain suspended indefinitely. The Commission concluded that in a Final Order issued May 16, 2002, Mr. Flynn's real estate license was suspended indefinitely without the right to petition for reinstatement for six (6) months. In the March 28, 2002 hearing to reinstate his license, Mr. Flynn admitted that he was managing property for the

Veteran's Administration with his suspended license.

Richard G. Berry, Jr., IB51320116, had his real estate broker license permanently revoked. In addition, he shall pay the cost of the proceeding. The Commission found that Mr. Berry offered contracts (promissory notes) which purportedly assigned real estate mortgages to various individuals as collateral for short term loans. Mr. Berry signed a plea agreement in which he pled guilty to Securities Fraud, a Class C felony, and was ordered to pay restitution in the amount of \$159,534. The Commission concluded that Mr. Berry's activity that resulted in his conviction for Securities Fraud constituted fraud and material deception under 876 IAC 1-1-33. The Commission also concluded that his conviction, while holding a real estate license, constituted the incompetent practice of real estate under 876 IAC 1-1-40(14) and (16).

John A. Piraccini, SP39701073, had his real estate salesperson license placed on probation indefinitely. Mr. Piraccini may petition for removal of his probationary status only upon being able to demonstrate that all components of his criminal probation have been satisfied and that such requirements of such conviction have been satisfied. The Commission found that Mr. Piraccini was convicted of 18 U.S.C. section 1962(c) for witness tampering and harassment, improper solicitation because of contributions accepted from vendors, and theft of state time and materials for political and personal purposes. The Commission further concluded that the crime may have a direct bearing on his ability to practice real estate

competently; however, the facts did not demonstrate that Mr. Piraccini presents a propensity to endanger the public.

Kenneth Lessie, IB29400272, surrendered his real estate broker license instead of having a disciplinary hearing before the Commission. The Commission granted the request for surrender with the following conditions: Mr. Lessie shall immediately return his real estate broker license pocket card to the Commission and Mr. Lessie may not seek reinstatement of his license or the issuance of any new license without requesting and having a hearing before the Commission so that it can be determined whether he can practice with reasonable skill, safety, and competency to the public.

Mary Malle d/b/a Bayside Realty, IB20000022, had her petition for withdrawal of probation granted. In a Final Order issued April 16, 2002, Ms. Malle was placed on probation indefinitely with no right to petition for withdrawal of the probation for six (6) months. Various requirements were imposed as conditions of the probation. The Commission determined that Ms. Malle established that the deficiency that required disciplinary action had been remedied because she obtained the continuing education required in the April 16, 2002 Final Order.

Sandra Golseth, SP39400538, had her real estate salesperson license placed on probation indefinitely under the conditions that she shall not have to right to petition for withdrawal of probation for 180 days after the date of the Final Order; she shall complete two hours of continuing education in a third mandatory area of study under 876

IAC 4-2-2 so that her continuing education requirement for January 1, 1998 through December 31, 1999 period would be satisfied; and she shall submit proof of taking these hours by submitting the course certificate(s) to the Commission. The probation was permanently stayed for 90 days to give Ms. Golseth the opportunity to submit proof that she has completed two hours of continuing education in a third mandatory area of study under 876 IAC 4-2-2. In addition, Ms. Golseth shall pay the costs of the proceedings. The Commission having considered Ms. Golseth's submittals filed September 6, 2001, which established that she had made up her continuing education deficiency in the manner provided for in the Final Order, hereby permanently stayed the probation imposed in that Final Order.

Steven Bogart, SP39400799, had his real estate salesperson license suspended indefinitely without the right to petition for reinstatement for two years after the date of the Final Order. Moreover, Mr. Bogart shall pay a civil penalty of one thousand dollars (\$1,000) and the costs of the proceeding. The Commission determined that upon renewal of his license for the January 1, 2000 to December 31, 2001 period, Mr. Bogart reported that he had completed at least sixteen (16) hours of continuing education during the January 1, 1998 through December 31, 1999 period, when in fact he had completed no hours. The Commission found that he failed to comply with 876 IAC 4-2-1(a) and IC 25-1-11-5 because of his failure to satisfy his continuing education requirements.

Christina Coleman, SP39600041, had her real estate salesperson

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September 25, 2003
8:30 a.m. Committee Meeting,
10:00 a.m. Meeting

402 West Washington Street
 Conference Center Room #12
 Indianapolis, Indiana 46204

October 23, 2003
8:30 a.m. Committee Meeting,
10:00 a.m. Meeting

402 West Washington Street
 Conference Center Room #12
 Indianapolis, Indiana 46204

There is no November meeting and the December meeting will be scheduled at a later date.

The date, time, and location of the commission's meeting are posted on our web site as well at www.in.gov/pla.

shall pay a civil penalty of five hundred dollars (\$500) and the costs of the proceeding. The Commission found that Ms. Coleman reported that she had completed at least sixteen (16) hours of continuing education but failed to verify all the continuing education hours she claimed during the January 1, 1998 through December 31, 1999 period.

Teresa Pomeroy, SP39600265, had her real estate salesperson license suspended indefinitely with no right to petition for reinstatement for a period of two years. In addition, she shall pay a civil penalty of five hundred dollars (\$500) and the costs of the proceeding. The Commission concluded that Ms. Pomeroy reported that she had completed at least sixteen (16) hours of continuing education but failed to verify all the continuing education hours she claimed during the January 1, 1998 through December 31, 1999 period.

Pamela Oliver, SP39400261, had her real estate salesperson license suspended indefinitely with no right to petition for reinstatement for a period of two years. Moreover, she shall pay a civil penalty of five hundred dollars (\$500) and the cost of the proceeding. The Commission determined that Ms. Oliver reported that she had completed at least sixteen (16) hours of continuing education but failed to verify all the continuing education hours she claimed during the January 1, 1998 through December 21, 1999 period.

Toni Hancock, SP39400414, had her real estate salesperson license suspended indefinitely with no right to petition for reinstatement for a period of one (1) year from the date of the final order. In addition, she shall pay a civil penalty of five

hundred dollars (\$500) and the costs of the proceeding. The Commission found that Ms. Hancock reported that she had completed at least sixteen (16) hours of continuing education but failed to verify all the continuing education hours she claimed. The Commission determined that she failed to show proof of completion of eight (8) elective hours during the January 1, 1998 through December 21, 1999 period.

John Howley, SP39600213, had his real estate salesperson license suspended indefinitely with no right to petition for reinstatement for a period of one (1) year from the date of the Final Order. Also, he shall pay a civil penalty of five hundred dollars (\$500) and the costs of the proceeding. The Commission concluded that Mr. Howley reported that he had completed at least sixteen (16) hours of continuing education but failed to verify all the continuing education hours he claimed. The Commission found that he only completed eight (8) hours of continuing education during the January 1, 1998 through December 31, 1999 period.

Brian Morgan, SP39401017, had his real estate salesperson license suspended indefinitely with no right to petition for reinstatement for a period of two (2) years from the date of the Final Order. Moreover, he shall pay a civil penalty of five hundred dollars (\$500) and the costs of the proceeding. The Commission determined that Mr. Morgan reported that he had completed at least sixteen (16) hours of continuing education but failed to verify all of the continuing education hours that he claimed during the January 1, 1998 through December 31, 1999 period.

license suspended indefinitely with no right to petition for reinstatement for a period of two years. Also, she

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